



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
December 30, 2020 14:59

By: SAMUEL R. SMITH 0076242

Confirmation Nbr. 2146311

KIMBERLY TAYLOR

CV 20 942328

vs.

Judge: SHERRIE MIDAY

COSTCO WHOLESALE CORPORATION ET AL.

Pages Filed: 5

the State of Ohio, and licensed to do business in the State of Ohio, and is doing business in Cuyahoga County and the State of Ohio.

3. Defendant CT Corporation System ("Defendant CT Corporation") at all times relevant herein was/is a member, agent and/or employee of Defendant Costco and was acting within the course and scope of said agency and/or employment and as a result Defendant Costco is liable for its conduct pursuant to the doctrine of Respondeat Superior.

COUNT ONE

4. Plaintiff incorporates by reference each and every allegation, averment and statement set forth in paragraph nos. one (1) through three (3), herein above, as if fully restated below.
5. On or about July 17, 2020, Plaintiff asserts her and her husband were customers of Defendant, who has a store located at 16690 Royalton Rd., Strongsville, OH 44136, where both were shopping.
6. Plaintiff asserts that as she was leaving out of the above stated store, coming from the checkout line but still within the store, she slipped and fell on a wet, spongy food and/or liquid substance.
7. Plaintiff asserts that as a result of the fall, she fell on her left hand, and both knees.
8. Plaintiff asserts that specifically her right foot came in contact with the foreign substance and right big toe twisted as a result.

9. Plaintiff asserts that there were no warning signs in the area prior to where she slipped and fell.
10. Plaintiff asserts that the accident was caught on video tape and an incident report was completed.
11. Plaintiff asserts that after receiving initial medical treatment for her injuries, she was diagnosed with a sprained left thumb, sprained right big toe, a pulled muscle in her lower back and an overstretched/laxed ligament in her right knee.
12. As a direct and proximate result of Defendants' negligence in failing to keep the floor clean and clear of foreign debris, Plaintiff sustained personal injuries, including but not limited to a sprained left thumb, sprained right big toe, a pulled muscle in her lower back and an overstretched/laxed ligament in her right knee, resulting in pain, both temporary and permanent, and suffering that resulted in her absence from work, an impairment of her normal, social and recreational pursuits, including her ability to perform her usual daily activities all of which she expects to continue into the indefinite future.
13. As a direct and proximate result of Defendants' negligence, as set forth herein above, in paragraphs no. six (6) and seven (7), Plaintiff continues to experience intermittent pain and suffering to the present and has incurred medical and hospital expenses and she expects that the medical expenses will continue into the indefinite future.

14. As a direct and proximate result of Defendants' negligence, Defendants are liable to Plaintiff for personal injuries, medical and hospital expenses and lost wages in an amount greater than \$25,000.00.

WHEREFORE, Plaintiff demands judgment on **Count One** against Defendants in an amount greater than \$25,000.00, with interest and costs and for any and all other relief this Honorable Court determines is appropriate and just.

Respectfully submitted,

/s/ Samuel R. Smith II
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JURY DEMAND .

Plaintiff hereby demands a trial by jury.

Respectfully submitted,

/s/ Samuel R. Smith II

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